

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

JAMES HOWARD,

Civil No. C07-1187-RSL

Plaintiff,

vs.

ORDER FOR REMAND

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant


Based upon the stipulation of the parties, it is hereby ORDERED that the above-captioned case be remanded to the Commissioner of Social Security for further administrative proceedings, further development of the record, a new hearing and a new decision. On remand, the ALJ will: 1) further evaluate the opinion of Mark Levy, M.D.; 2) consider the opinion of Robert Bernardez-Fu, M.D.; 3) in light of the expanded record the ALJ should re-evaluate Plaintiff's credibility pursuant to Social Security Ruling (SSR) 96-7p; 4) re-evaluate Plaintiff's residual functional capacity pursuant to SSR 96-8p; 5) re-evaluate the lay witness statement; and 6) finally, if necessary, obtain supplemental evidence from a vocational expert to clarify the effect of the assessed limitations including the mental limitations assessed by Steven Haney, M.D., a reviewing physician at the State agency; on Plaintiff's ability to perform any other work that exists

1 in significant numbers in the national economy consistent with SSR 00-4p, as Plaintiff is unable to  
2 perform his past relevant work.

3 Plaintiff may present new arguments and evidence. The ALJ may perform further  
4 development and conduct further proceedings as necessary.

5 This case is reversed and remanded pursuant to sentence four of 43 U.S.C. § 405(g).  
6 Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses and  
7 attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a),(d).  
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9 DATED this 22<sup>nd</sup> day of January, 2008.  
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12 Robert S. Lasnik  
13 United States District Judge  
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15 Recommended for Entry  
16 this 17th day of January, 2008.

17 s/ Mary Alice Theiler  
18 United States Magistrate Judge

19 Presented by:

20 s/ RICHARD M. RODRIGUEZ  
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